REMARKS

The Office Action dated December 21, 2004, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1, 7 and 8 have been amended. Applicant submits that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-10 are pending in the present application, and claims 1-4, 7 and 8 are respectfully submitted for consideration.

Allowable Subject Matter

As a preliminary matter, Applicant appreciates the allowance of claims 5, 6, 9 and 10 and the indication of allowable subject matter in claims 2 and 3 of the present application.

Claims 1 and 4 rejected under 35 U.S.C. § 102(e)

Claims 1 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Green et al. (U.S. Patent No. 6,496,881, hereinafter "Green"). Applicant respectfully traverses the rejection and submit that each of these claims recites subject matter that is neither disclosed nor suggested by the cited prior art.

Claim 1 recites an information processing apparatus comprising, among other features, a stopping means for shutting down said information processing apparatus into an off-state when said error is detected.

It is respectfully submitted that the prior art fails to disclose or suggest at least the above-mentioned features of the Applicant's invention.

The Office Action characterized Green as allegedly disclosing "a detecting means which detects an error of said processor; and a stopping means which stops a power supply to said information processing apparatus when said error is detected (column 3, lines 18-26; column 6, lines 6-9)."

Applicant disagrees with the Office Action's characterization of Green and respectfully traverses the rejection. Green merely discloses that "processor 31 is initially designated as the boot processor at the time of the initial system reset. (Block 84). At this time, the timer 71 begins counting, and the boot processor attempts to boot the computer 30. If the boot processor 31 is operating correctly, it stops the timer 71 before it times out, and it boots the computer normally. (Block 86 and 88). However, if the boot processor 31 fails to boot the computer 30 before the timer 71 times out, the timer 71 delivers a signal to the control logic 64. In response to the signal from the timer 71, the control logic 64 delivers a signal on the bus 81 to the VRM 41 associated with the processor 31 to disconnect the processor's supply voltage delivered by the VRM 41, thus disabling the processor 31. Then, the system [of Green] resets and another boot processor is assigned from the remaining operable processors 32-38. (Blocks 92 and 94). This process repeats until an operable processor is able to boot the computer 30. (Blocks 86-94) (emphasis added)." Column 5, lines 35-54.

In contrast, the present invention in one example stops the power supply to the high-speed processor 12 and turns the entire system into an OFF-STATE without searching for another processor when an error is detected. Therefore, Applicant submits that Green fails to disclose each and every element recited in claim 1 of the present application.

Moreover, to qualify as prior art under 35 U.S.C. §102, a single prior art reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Green fails to disclose or suggest each and every feature of claim 1. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by nor rendered obvious by the disclosure of Green. Therefore, Applicant respectfully submits that claim 1 is allowable.

As claim 4 depends from claim 1, Applicant submits that claim 4 incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claims, as well as for the additional subject matter recited therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 7 and 8 rejected under 35 U.S.C. § 103(a)

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Green. In making the rejection, the Office Action took "Official Notice" that it would have been obvious to combine the fault tolerant computer system of Green to the home-use game device and the home-use karaoke device of the present invention. Applicant respectfully traverses the rejection and submits that each of these claims recites subject matter that is neither disclosed nor suggested by the cited prior art.

Claim 7 recites a home-use game device comprising, among other features, a stopping means for shutting down said game device into an off-state when said error is detected.

Claim 8 recites a home-use karaoke device comprising, among other features, a stopping means for shutting down said karaoke device into an off-state when said error is detected.

It is respectfully submitted that the prior art fails to disclose or suggest at least the above-mentioned features of the Applicant's invention.

As discussed above, Green merely discloses a system that resets after the first boot processor is inoperable, and assigns another boot processor from the remaining operable processors. This process repeats until an operable processor is able to boot the computer 100. In contrast, the present invention in another example shuts down the game device or the karaoke device into an OFF-STATE without searching for another processor when the error is detected. Therefore, Applicant submits that Green fails to disclose or suggest each and every element recited in claims 7 and 8 of the present application.

Moreover, in order to establish a *prima facie* case of obviousness, each feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03 and *In re Royka*, 490 F.2d 981 (CCPA 1974). As explained above, Green does not teach or suggest each feature recited by pending claims 7 and 8. Accordingly, for the above provided reasons, Applicant respectfully submits that pending claims 7 and 8 are not rendered obvious under 35 U.S.C. § 103 by the teachings of Green, and are allowable.

Under U.S. patent practice, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where

a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure.

Applicants respectfully request withdrawal of the rejection.

Conclusion

Claims 5-6 and 9-10 have been allowed and claims 2-3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicant respectfully submits that all of the presently pending claims recite allowable subject matter.

In view of the above, Applicant respectfully submits that each of claims 1-10 recites subject matter that is neither disclosed nor suggested in the cited prior art. Applicant also submits that this subject matter is more than sufficient to render the claims non-obvious to

a person of ordinary skill in the art, and therefore, respectfully requests that claims 1-4, 7 and 8 be found allowable along with allowed claims 5, 6, 9 and 10 and that this application be passed to issue.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 100341-00016.**

Respectfully submitted,

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